

REMARKS

Claims 1-13 are pending in this application. Claims 8-13 are withdrawn from consideration. By this Amendment, claim 1 is amended to further distinguish the claimed subject matter from the cited art references.

No new matter is added by this amendment. Support for the language added to claim 1 can be found in the specification at, for example, page 5, lines 27-29 and page 9, lines 25-30.

The courtesies extended to Applicant's representative by Examiner Madsen at the interviews held April 20 and May 3, 2005, are appreciated. The reasons presented at the interviews as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interviews.

I. Rejections Under 35 U.S.C. §103(a)

A. WO '064 in view of JP '196

Claims 1, 3 and 4 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO 97/06064 ("WO '064") as evidenced by WO 96/02422 ("WO '422") in view of JP 08-196196 ("JP '196"). Claim 2 was further relying upon rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO '064 as evidenced by WO '422 in view of JP '196, further in view of U.S. Patent No. 1,953,520 ("Vogt"). Claims 5, 6 and 7 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO '064 as evidenced by WO '422 in view of JP '196, further in view of U.S. Patent No. 4,907,421 ("Battistella"). These rejections is respectfully traversed.

During the May 3, 2005 interview with Examiner Madsen, Applicant's representative discussed amending claim 1 to recite that the unfrozen plate of the food substance is extruded having a width corresponding to the extrusion nozzle, the width being smaller than a length of the unfrozen plate. Examiner Madsen agreed that none of WO '064, JP '196, Vogt and

Battistella, in combination or alone, teaches or suggests this recited feature. As such, Applicant has amended claim 1 to recite that the unfrozen plate of the food substance is extruded having a width corresponding to the extrusion nozzle, the width being smaller than a length of the unfrozen plate.

Accordingly, Applicant submits that independent claim 1 and claims 2-7, dependent therefrom, are patentable over WO '064, JP '196, Vogt and/or Battistella. Reconsideration and withdrawal of the rejection are thus respectfully requested.

B. Shaw in view of Battistella

Claims 1, 4 and 5 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 4,052,836 ("Shaw") in view of Battistella. Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Shaw in view of Battistella and further in view of Vogt. This rejection is respectfully traversed.

During the April 20, 2005 interview, Examiner Madsen agreed that none of Shaw, Battistella and Vogt, in combination or alone, teaches or suggests extruding a plate of unfrozen food substance by an extrusion nozzle and a cutter mechanism as recited in claim 1.

Accordingly, Applicant submits that independent claim 1 and claims 2-7, dependent from claim 1, are patentable over Shaw, Battistella and Vogt. Reconsideration and withdrawal of the rejections are thus respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

Leana Levin

James A. Oliff
Registration No. 27,075

Leana Levin
Registration No. 51,939

JAO:LL/hs

Date: May 12, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
